



#5/Election
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hw



PATENT

Customer No. 22852

PATENT TRADEMARK OFFICE

Attorney Docket No. 05725.1021

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Jean-Louis H. GUERET) Group Art Unit: 3751
)
Application No.: 10/073,302) Examiner: Huyen Le
)
Filed: February 13, 2002)
)
For: APPLICATOR ASSEMBLY,)
SYSTEM, AND METHOD)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

Sir:

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

In an Office Action dated June 3, 2003, the Examiner required an election under 35 U.S.C. § 121 of one of the following allegedly patentably distinct species:

- Species I: Figs. 1-4;
- Species II: Fig. 5A;
- Species III: Fig. 5B;
- Species IV: Fig. 5C;
- Species V: Figs. 6A-6C;
- Species VI: Fig. 7A; and
- Species VIII: Fig. 7B

In addition to requiring an election of one of the above-listed species, the Examiner required that Applicant identify which claims are "readable" on the elected species.

Applicant does not agree with the various characterizations and assertions regarding the allegedly patentably distinct species that are set forth in the Office Action.

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Nonetheless, to expedite prosecution of this application, Applicant elects to prosecute Species II, Fig. 5A. Claims 1-26, 28-31, 37, 41-87, 89-91, 98, 102-105, and 107-136 are "readable" on the elected species.

Applicant also submits that at least claims 1, 61, 122, and 130 are generic to all of the species identified by the Examiner. Applicant understands that upon the allowance of a generic claim, any nonelected claim depending from or otherwise containing all of the limitations of the allowable generic claim will be rejoined and also allowed.

Applicant requests the examination of claims 1-26, 28-31, 37, 41-87, 89-91, 98, 102-105, and 107-136.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 2, 2003

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